

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMNEDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:  
Whitney Russell AKA Whitney Russell-Coble
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:  
N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):  
N/A
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:  
North Carolina

- 1           5.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
2                     at the time of injury:  
3                     Georgia  
4                     \_\_\_\_\_  
5           6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:  
6                     North Carolina  
7                     \_\_\_\_\_  
8           7.     District Court and Division in which venue would be proper absent direct  
9                     filing:  
10                    U.S. District Court for the Northern District of Georgia, Atlanta Division  
11                    \_\_\_\_\_  
12          8.     Defendants (check Defendants against whom Complaint is made):  
13                   ☒ C.R. Bard Inc.  
14                   ☒ Bard Peripheral Vascular, Inc.  
15          9.     Basis of Jurisdiction:  
16                   ☒ Diversity of Citizenship  
17                   ☐ Other: \_\_\_\_\_  
18                 a.     Other allegations of jurisdiction and venue not expressed in Master  
19                     Complaint:  
20                     \_\_\_\_\_  
21          10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making  
22                   a claim (Check applicable Inferior Vena Cava Filter(s)):  
23                   ☐ Recovery® Vena Cava Filter  
24                   ☐ G2® Vena Cava Filter  
25                   ☐ G2® Express Vena Cava Filter  
26                   ☒ G2® X Vena Cava Filter  
27                   ☐ Eclipse® Vena Cava Filter  
28                   ☐ Meridian® Vena Cava Filter  
                 ☐ Denali® Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

7/12/2010

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Georgia Law

Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): \_\_\_\_\_: (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 3rd day of July, 2018

BERTRAM & GRAF, L.L.C.

By: /s/ Blair B. Matyszczyk  
Blair B. Matyszczyk, Benjamin A. Bertram  
(admitted *pro hac vice*)  
4717 Grand Avenue, Suite 800  
Kansas City, MO 64112  
Telephone: (816) 523-2205  
Email: blair@bertramgraf.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of July, 2018 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Blair B. Matyszczyk  
*Attorney for Plaintiff*